

02521.0115-07



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MICHAEL D. VARNEY ET AL.

Application No.: CONTINUATION OF
09/782,284

Filed: OCTOBER 23, 2001

For: ANTIPROLIFERATIVE
SUBSTITUTED
5-THIAPYRIMIDINONE AND
5-SELENOLYRIMIDINONE
COMPOUNDS

Examiner: Not Yet Assigned

Group Art Unit: N/Y/A

January 25, 2001

Commissioner for Patents
Washington, D.C. 20231

PETITION UNDER 37 CFR 1.10(e)

Sir:

Applicants petition the Commissioner of Patents to enter into consideration the enclosed stamped Express Mail Mailing Label No. EH475138556US, return receipt postcard, Utility Patent Application Transmittal, Preliminary Amendment, and Patent Specification, ("application papers"), as of October 23, 2001, the original date of deposit with the U.S. Postal Service (USPS). The Utility Patent Application Transmittal, Preliminary Amendment, and Patent Specification were affixed with the Express Mail Mailing Label number. The return receipt postcard has not been received. Applicants submit the enclosed application papers are true copies of the documents originally deposited with the USPS for mailing on October 23, 2001, with sufficient postage, and utilizing "Express Mail Post Office to Addressee" service.

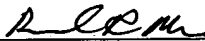
*Receipt date granted
10/23/01.
J. Chang*

In early January, an associate of Fitzpatrick, Cella, Harper & Scinto, used the U.S. Patent and Trademark Office' ("Office") PAIR system to discover there was no evidence of receipt of the application papers by the Office. Thereafter, the same associate telephoned an Office "800" number whereby an Office employee confirmed the Office had no record of the application papers, and directed the associate to consult the Office' website and file this petition.

WHEREFORE, Applicants respectfully request the enclosed application papers be considered filed in the Office on the U.S. Postal Service deposit date of October 23, 2001, and awarded a filing date reflecting the same.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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